

Amendment and Response

Applicant: N. Lee Rhodes

Serial No.: 09/919,527

Filed: July 31, 2001

Docket No.: 10013111-1

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR UPDATING STATISTICAL MODELS

REMARKS

The following remarks are made in response to the Final Office Action mailed June 28, 2007. Claims 46 and 47 have been allowed. Claims 1-7, 12, 13, 23-27, 29-42, 45, and 48 were rejected. Claims 8-11, 14-22, 28, 43, and 44 have been objected to. With this Response, claims 1, 6, 7, 9, 11, 12, 23, 37, 42, and 44 have been amended, and claims 2-5, 8, 13, 25-36, 38-41, 43, 45, and 48 have been cancelled. Claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46, and 47 remain pending in the application and are presented for reconsideration and allowance.

Specification

The specification has been amended to include the serial numbers of the cross-referenced applications.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Dietz et al., U.S. Patent No. 6,839,751 ("Dietz") in view of Rosenberg et al., U.S. Patent Publication No. 2003/0023951 ("Rosenberg").

Independent claim 1 has been amended to include the allowable subject matter from claim 8. Independent claim 13 has been cancelled.

In view of the above, Applicant submits that the above rejection of independent claim 1 under 35 U.S.C. § 103(a) should be withdrawn. Allowance of claim 1 is respectfully requested.

The Examiner rejected claims 23, 25, 26, 37, 45, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Dietz in view of Rosenberg and Kawasaki, U.S. Patent No. 6,539,375 ("Kawasaki").

Independent claim 23 has been amended to include the allowable subject matter from claim 28. Dependent claims 25 and 26 have been cancelled. Independent claim 37 has been amended to include the allowable subject matter from claim 43. Dependent claim 45 has been cancelled. Independent claim 48 has been cancelled.

Amendment and Response

Applicant: N. Lee Rhodes

Serial No.: 09/919,527

Filed: July 31, 2001

Docket No.: 10013111-1

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR UPDATING STATISTICAL MODELS

In view of the above, Applicant submits that the above rejection of independent claims 23 and 37 under 35 U.S.C. § 103(a) should be withdrawn. Allowance of claims 23 and 37 is respectfully requested.

The Examiner rejected claims 29 and 31-36 under 35 U.S.C. § 103(a) as being unpatentable over Dietz in view of Rosenberg and Abounaga, U.S. Patent No. 6,460,045 ("Abounaga").

Claims 29 and 31-36 have been cancelled.

The Examiner rejected claims 2-6 under 35 U.S.C. § 103(a) as being unpatentable over Dietz and Rosenberg and further in view of Steinbiss et al., U.S. Patent No. 6,823,307 ("Steinbiss").

Claims 2-5 have been cancelled. Dependent claim 6 further defines patentably distinct independent claim 1. Accordingly, Applicant believes that this dependent claim is also allowable over the cited references. Allowance of claim 6 is respectfully requested.

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Dietz, Rosenberg, and Steinbiss, and further in view of Abounaga.

Dependent claim 7 further defines patentably distinct independent claim 1. Accordingly, Applicant believes that this dependent claim is also allowable over the cited references. Allowance of claim 7 is respectfully requested.

The Examiner rejected claims 24 and 38-42 under 35 U.S.C. § 103(a) as being unpatentable over Dietz, Rosenberg, and Kawasaki, and further in view of Steinbiss.

Dependent claims 24 and 42 further define patentably distinct independent claim 23 or 37. Accordingly, Applicant believes that these dependent claims are also allowable over the cited references. Dependent claims 38-41 have been cancelled. Allowance of claim 24 and 42 is respectfully requested.

The Examiner rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Dietz, Rosenberg, and Kawasaki, and further in view of Abounaga.

Claim 27 has been cancelled.

The Examiner rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Dietz, Rosenberg, and Abounaga, and further in view of Steinbiss.

Claim 30 has been cancelled.

Amendment and Response

Applicant: N. Lee Rhodes

Serial No.: 09/919,527

Filed: July 31, 2001

Docket No.: 10013111-1

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR UPDATING STATISTICAL MODELS

Allowable Subject Matter

The Examiner allowed claims 46 and 47.

The Examiner objected to claims 8-11, 14-22, 28, 43, and 44 for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the claims are allowable because prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased.

Accordingly, claim 8 has been rewritten in independent form as independent claim 1, and claim 8 has been cancelled. Claim 28 has been rewritten in independent form as independent claim 23, and claim 28 has been cancelled. Claim 43 has been rewritten in independent form as independent claim 37, and claim 43 has been cancelled. Dependent claims 9-11, 14-22, and 44 further define patentably distinct independent claim 1 or 37. Accordingly, Applicant believes that these dependent claims are also allowable over the cited references. Allowance of claims 1, 9-11, 14-23, 37, and 44 is respectfully requested.

Amendment and Response

Applicant: N. Lee Rhodes

Serial No.: 09/919,527

Filed: July 31, 2001

Docket No.: 10013111-1

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR UPDATING STATISTICAL MODELS

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46, and 47 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 6, 7, 9-12, 14-24, 37, 42, 44, 46, and 47 is respectfully requested.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 08-2025 the amount of \$120 to cover fees as set forth under 37 C.F.R. 1.17(a)(1).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005 or Tuan V. Ngo at Telephone No. (408) 447-8133, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

N. Lee Rhodes,

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2002
Facsimile: (612) 573-2005

Date: October 25, 2007
SED:kmh

Steven E. Dicke
Steven E. Dicke
Reg. No. 38,431